

Introduced by Senator Brulte

December 2, 2002

An act to add Article 10 (commencing with Section 4760) to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 8, as introduced, Brulte. Fire prevention: California Fire Prevention Act Of 2003.

Existing law requires the Department of Forestry and Fire Protection to provide fire protection in state responsibility areas.

This bill would require the department to implement a program to mitigate the threat of fires posed by dead and dying trees in state responsibility areas near or enclosed by the Angeles, San Bernardino, or Cleveland National Forest, resulting from drought conditions and pest infestation. The bill would additionally prescribe the duties of the Director of Forestry and Fire Protection with regard to the program.

The bill would establish the California Fire Prevention Task Force to provide to the department advice and recommendations.

The bill would require the department and the Department of Food and Agriculture to cooperate in enforcing quarantine and pest abatement provisions as they may relate to the program. In addition, the bill would require the department to provide information and technical assistance, as specified, to local agencies, and would authorize the department and other state agencies to assist local tree maintenance programs by making surplus equipment available on loan.

The bill would authorize the director of the department, with advice from the task force, to contract to provide assistance for project costs associated with program implementation.

This bill would require the department to expend funds on tree removal, clearing, and management activities, as specified.

The bill would permit the department to expend state general funds to implement this act only from general funds appropriated for that implementation. The bill would require the department and affected state agencies to identify and utilize federal funds to the maximum extent possible.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 10 (commencing with Section 4760) is
2 added to Chapter 10 of Part 2 of Division 4 of the Public Resources
3 Code, to read:

4

5 Article 10. California Fire Prevention Act of 2003

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7 4760. This article shall be known and may be cited as the
8 California Fire Prevention Act of 2003.

9 4760.1. The Legislature finds and declares all of the
10 following:

11 (a) The state responsibility areas near or enclosed by the
12 Angeles, San Bernardino, and Cleveland National Forests are in
13 the fourth year of a drought. The drought conditions, coupled with
14 pest infestation, have caused the death of as many as 100,000 trees
15 in the San Bernardino Mountain Rim area, with the mortality rate
16 increasing every month.

17 (b) These dead and dying trees pose a tremendous fire threat to
18 mountain community residents, with potential property damage in
19 excess of one hundred million dollars (\$100,000,000) and
20 inexplicable loss of lives. The need to mitigate this threat grows
21 more urgent as increased tree mortality is reported in the Counties
22 of Los Angeles, San Bernardino, Riverside, Orange, and San
23 Diego.



(c) The effect of tree mortality is potentially disastrous: massive die-offs of trees covering thousands of acres; a serious increase in fire threats in areas that include densely populated areas; a dramatic change in forest cover and ecosystems with a devastating effect on California's wildlife; and severe consequences to California's economy, including threats to tourism.

(d) Therefore, it is the intent of the Legislature to provide funding to implement the California Fire Prevention Act of 2003. Funding is necessary to address this situation quickly and adequately, and to ensure that necessary actions are taken to protect the public safety and the environment.

4760.2. (a) As used in this article, "task force" means the California Fire Prevention Task Force which is hereby established.

(b) The task force is comprised of ____.

4760.3. It is hereby declared to be the policy of the state, to the extent feasible, to mitigate the threat of fires in state responsibility areas, as defined in Section 4102, near or enclosed by the Angeles, San Bernardino, or Cleveland National Forest. The purpose of this article is to accomplish all of the following in those areas:

(a) Prevent further tree mortality caused by drought and infestation.

(b) Reduce fire fuel by removal of dead or dying trees and brush.

(c) Encourage the coordination of efforts between federal, state, and local agencies and organizations to effectively allocate resources to mitigate this threat.

4760.4. (a) (1) The department shall implement a program to detect and remove dead and dying trees and brush. This program shall encourage tree management and forest clearing.

(2) The department is primarily responsible for carrying out the intent of this article in cooperation with the task force and other private and public entities or persons and appropriate local, state, and federal agencies.

(b) (1) The department shall cooperate with those agencies of the federal government that have powers and duties concerning forestry, and shall perform all actions necessary to secure for this state the benefits of federal forestry programs.

(2) To facilitate the implementation of this article, the director may enter into agreements and contracts with any public or private

1 entity, including any local agency, that has forestry related
2 jurisdictional responsibilities. The director may consult with those
3 entities and agencies when carrying out the objectives of this
4 article.

5 (c) The department and the Department of Food and
6 Agriculture shall cooperate in setting quarantine boundary lines,
7 if necessary, and in enforcing the provisions relating to plant
8 quarantine and pest control in Division 4 (commencing with
9 Section 5001) of the Food and Agricultural Code if a quarantine
10 is established.

11 4760.5. (a) The department shall provide information and
12 technical assistance to cities, counties, districts, regional entities,
13 homeowner neighborhood groups, and nonprofit organizations on
14 fire prevention.

15 (b) The department and any other state agency may assist local
16 tree maintenance programs by loaning surplus equipment for
17 regional and local urban forestry. Eligible programs shall include,
18 but are not limited to, urban tree care by nonprofit organizations.

19 4760.6. The director, with advice from the task force, may
20 enter into contracts to provide assistance for project costs
21 associated with the implementation of this article. Eligible
22 projects shall include both of the following:

23 (a) Infected tree detection, including coordination of local
24 agency efforts and citizen involvement.

25 (b) Other categories of projects recommended by the task force
26 and approved by the director.

27 4760.7. (a) The department shall expend funds on tree
28 removal, clearing, and management activities pursuant to this
29 section. The department shall take into account the
30 recommendations of the task force for the expenditure of the
31 funds.

32 (b) The department shall take various actions to reduce fire fuel
33 by removal of dead or dying trees and clearing of brush, and to
34 assist state and local agencies and private property owners to
35 perform, identify, remove, and appropriately dispose of trees and
36 plants that have died.

37 (c) The department shall monitor the condition of trees in these
38 areas including, but not limited to, open-space surveys, roadside
39 surveys, aerial surveys, monitoring technique workshops,
40 development of baseline information on the distribution,

1 condition, and mortality rates of trees in these areas, and maintain
2 an up-to-date geographic information system database.

3 (d) (1) Funds may be expended for management activities
4 pursuant to contracts with counties, which may include, but need
5 not be limited to, hazard tree assessment, contracts with counties
6 for hazard tree removal pursuant to the process established by
7 paragraph (2), biomass utilization, and assessment and
8 management of restoration and mitigation options.

9 (2) The department shall utilize a portion of the funds to be
10 expended pursuant to this subdivision to contract with affected
11 counties for the removal of trees that have died or are dying. An
12 affected county may apply to the department for a contract, and
13 shall provide the department with an action plan for the removal
14 and disposition of affected trees within its jurisdiction. The
15 department shall approve or deny an affected county's action plan
16 in a timely manner. If the department approves the action plan of
17 an affected county, the department may enter into a contract with
18 that county. The department shall consider the recommendation of
19 the task force prior to approving or denying any county action plan
20 and prior to entering into any contract under this paragraph. Any
21 action plan approved by the board prior to January 1, 2004, is
22 deemed sufficient to comply with this section.

23 (e) The department may expend the amount of funds it deems
24 necessary on fire protection and prevention activities, including,
25 but not limited to, assessing fire risk in heavily impacted areas,
26 inspecting property to encourage increased clearing of vegetation
27 in heavily infested areas and to mitigate the fire risk, producing
28 and distributing safety information for firefighters working in
29 areas affected by dead and dying trees, and treating vegetation to
30 prevent fire.

31 (f) The department may expend the amount of funds it deems
32 necessary to fund administrative activities necessary to oversee the
33 activities listed in subdivisions (a) to (e), inclusive, including, but
34 not limited to, an overall statewide task force coordinator,
35 miscellaneous expenses associated with the operation of the task
36 force, and staff of the department to carry out contract preparation,
37 administration, and fiscal audits of contract expenditures.

38 (g) The department may allocate funds to the Department of
39 Food and Agriculture for regulatory activities, including, but not
40 limited to, surveys and other regulatory enforcement activities

1 performed by agricultural commissioners, diagnostic services,
2 and public agency coordination efforts. The department may
3 expend the amount of funds it deems necessary to fund
4 administrative activities necessary to oversee the activities listed
5 in this subdivision.

6 4760.8. (a) It is the intent of the Legislature to appropriate
7 sufficient funds to implement the California Fire Prevention Act
8 of 2003. The department may expend state general funds to
9 implement this article only from general funds appropriated for the
10 implementation of this article.

11 (b) The department and affected state agencies shall identify
12 and utilize federal funds to the maximum extent possible.

13 SEC. 2. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety
15 within the meaning of Article IV of the Constitution and shall go
16 into immediate effect. The facts constituting the necessity are:

17 In order to provide funding, at the earliest possible time, for fire
18 prevention and forest protection in areas near or adjacent to the
19 Angeles, San Bernardino, and Cleveland National Forests, it is
20 necessary that this act take effect immediately.

